

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:20-CV-00147-D

THELONIUS MATTOCKS,
Plaintiff,

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,
Defendant.

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) ORDER APPROVING ATTORNEY
) FEES PURSUANT TO 42 U.S.C. § 406(b)
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Plaintiff's counsel filed a motion for approval of attorney's fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$11,587.03. Attorney's fees under section 206(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). Plaintiff has previously been awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$3,605.00.

Defendant filed a response, stating that under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$11,587.03, and refund to Plaintiff the smaller award (\$3,605.00) between this amount and the EAJA award.

SO ORDERED. This 8 day of March, 2023.

James C. Dever III
JAMES C. DEVER III
UNITED STATES DISTRICT COURT JUDGE